

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SEVEN NETWORKS, LLC**

**Plaintiff,**

**v.**

**MOTOROLA MOBILITY LLC**

**Defendant.**

**Civil Action No. 3:21-cv-1036**

**JURY TRIAL DEMANDED**

**PLAINTIFF SEVEN'S NOTICE REGARDING MOTION TO COMPEL**

Plaintiff SEVEN Networks, LLC ("SEVEN") hereby provides notice regarding its Motion to Compel Motorola to Produce Documents and Discovery (Dkt. 151) ("Motion"). One of the three issues remaining in dispute in the Motion relates to SEVEN's request that Motorola produce the *Sonrai* expert reports. *See* Dkt. 163-01 at 1-3.

On June 21, 2023, a week after briefing on the Motion was completed, Motorola informed SEVEN *for the first time* that the *Sonrai* expert reports have been destroyed. Following this revelation, SEVEN repeatedly asked Motorola's counsel when they first learned the reports were destroyed and why they did not inform SEVEN's counsel earlier, but Motorola's counsel refuses to answer. *See* Ex. 1.

SEVEN spent considerable time and effort meeting and conferring, corresponding, and briefing this issue over four months while Motorola objected that the reports contain third-party confidential information, Motorola's *only* objection on the eve of SEVEN filing its Motion. *See* Dkt. 140-04 at APPX0245. Not once during this four-month period did Motorola advise SEVEN

that the reports had been destroyed. SEVEN can only assume that Motorola did not know for this four-month period that the reports had been destroyed—otherwise it would be guilty of having misled SEVEN. But if Motorola indeed did not know of the reports’ destruction, that would mean Motorola never even bothered to ask its ITC counsel if the reports were available before briefing the issue to the Court, even though Motorola had had months to investigate.

Regardless, if the reports have been destroyed, the Court cannot compel production. While reserving all of its rights, SEVEN requests that the Court issue an order on the remaining two issues pending in the Motion. To the extent the Court would like to hear from the parties on this issue or any other issue in its Motion, SEVEN is available for a telephonic conference.<sup>1</sup>

Dated: June 26, 2023

Respectfully submitted,

/s/ Samuel Baxter

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<sup>1</sup> As if Motorola’s actions were not enough, after SEVEN informed Motorola it intended to file this notice withdrawing this portion of the discovery dispute, Motorola immediately asked the Court for leave to file a sur-reply on the issue, even though Motorola knew the issue was now moot. Dkt. 169.

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**ATTORNEYS FOR PLAINTIFF  
SEVEN NETWORKS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via CM/ECF on June 26, 2023.

/s/ Kevin Schubert  
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